

#### How to contact me...

115-D Irving R. Newhouse Building  
P.O. Box 40407  
Olympia, WA 98504-0407

Telephone: (360) 786-7612

Fax: (360) 786-1999

Toll-Free Hotline: 1-800-562-6000

E-mail: [morton\\_bo@leg.wa.gov](mailto:morton_bo@leg.wa.gov)

(Please include your name and mailing address in the text of your e-mail.)

#### STANDING COMMITTEES:

Natural Resources, Energy and Water, chairman; Parks, Fish and Wildlife, vice chairman; Land Use and Planning

#### SPECIAL COMMITTEES:

Joint Task Force on Rural Land Use and Economic Development; Western Legislative Forestry Task Force, past chairman; Select Committee of Forest Resources

## Senator Bob MORTON

*"Serving the 7th Legislative District is an honor and a privilege.  
To best serve you, I must hear your thoughts,  
so please do not hesitate to contact me."*

Dear Neighbors:

The 2004 session is complete and it is a pleasure to be home. I am pleased with what the Legislature was able to accomplish during the short, 60-day session, given our many challenges.

We began the session with good news about our improving economy and budget situation, but knew that the good news had to be taken in stride. In addition to writing a responsible supplemental operating budget, we also wrote supplemental transportation and capital construction budgets to fill in the gaps from the budgets approved during the 2003 session.

The Legislature also faced the challenge of coming up with an alternative primary election system after our widely popular blanket primary was declared unconstitutional. And in the wake of the Mad Cow scare, we were forced to address a variety of issues, all relating to the health of the beef we consume and sell all over the world.

As always, it is my pleasure to take this opportunity to share with you some of the things the Legislature accomplished this session, as well as some of the things on which I focused my efforts.

It is an honor and a privilege to serve you. If you have any questions, comments or concerns, please do not hesitate to contact my Olympia office.

Cordially yours,

Sen. Bob Morton

### Supplemental operating budget (ESHB 2459)

Going into the 2003-05 biennium, Washington state faced a \$2.6 billion shortfall, which means, at the rate of spending at that time, expenditures exceeded revenues by that much. Some extremely difficult sacrifices were made last year to begin to chip away at the hauntingly large shortfall. That sacrifice paid off, and as we look to the 2005-07 biennium, we have cut the shortfall by more than half, to \$1 billion. Although revenues to the state have picked up, the progress we made could have been jeopardized if we did not continue restraint in this year's supplemental operating budget. For every additional dollar spent this year, a bowwave of three dollars would have impacted the 2005-07 budget.

Coming into the 2004 session, we knew that we had to craft a supplemental operating budget for the remainder of the 2003-05 biennium that took care of unexpected costs, while continuing to chip away at the

shortfall. The budget we approved meets the challenges before us without jeopardizing services for the most vulnerable in our society.

The budget:

- leaves more than \$300 million in the state's emergency reserve account and contains no new taxes;
- adds roughly \$164 million to the \$23.2 billion 2003-05 operating budget;
- establishes an important tax incentive to retain family-wage aluminum industry jobs;
- funds roughly 3,000 new state college enrollments so students can get the education they need to compete in the new economy;
- provides pay increases to K-12 education classified staff; and
- provides valuable funding to care for our state's most vulnerable citizens in nursing homes, on children's Medicaid, on general assistance, and with developmental disabilities.

## Supplemental capital budget (ESHB 2573)

Approval of the \$202 million 2004 supplemental capital construction budget marks the first time in state history that a capital budget passed the Legislature without new bonds. It includes more than \$115 million in new spending for colleges and universities, and maintains a small cushion under our state debt limit for future emergencies.

## Transportation budget (ESHB 2474)

This budget makes minor changes to the current two-year state transportation budget without compromising the Nickel Package created last year when the Legislature enacted a 10-year transportation spending plan. The budget adds \$51 million in spending to the two-year budget, making the total budget \$4.4 billion.

### Colville alternate truck route

Presently, U.S. 395 bisects the city of Colville and serves as its main street. The route has seen an annual increase in traffic of 3.5 percent over the past several years, including heavy freight as it collects traffic from four border crossings. It is the principal route for regional trucking.

The alternate truck route will be constructed along the western boundary of the city. Preliminary design work was completed in 2001. The funds in the state budget will allow right-of-way acquisition and further design of the new route.

Of the \$5.5 million project, the state’s Transportation Investment Board will fund the entire state portion of \$2.2 million. Federal and local funding will also be used to complete the alternate truck route.

## Primary election (ESB 6453)



Our state’s popular “blanket primary” system was recently deemed unconstitutional, and this session, the Legislature scrambled to find a viable alternative. The choice came down to two plans:

- “Top Two”—the top two vote-getters in each race, regardless of party, advance to the general election ballot.
- “Modified Montana”—requires all voters to choose a party ballot and vote only for candidates in that party for each race.

The Senate approved the Top Two and the House amended the bill by adding the Montana-style primary in case the Top Two is challenged by the major political parties and the courts throw it out. The governor vetoed the Top Two system, leaving the Montana style in place for 2004 and beyond. On April 1, the Washington State Grange announced it would begin gathering signatures on I-872, an initiative to the people that implements the Top Two system.

## Education

Senate Republicans worked hard this session to help more students succeed in our public schools.

### Charter schools (ESSHB 2295)

The new law authorizes up to 45 charter schools in the next six years. Charter schools can be innovative and are not bound by many of the burdensome state laws governing public schools. Experience in other states has shown that children who don’t do well in a regular classroom setting will blossom in the creative, alternative academic settings provided by charter schools.

### WASL retakes (3ESHB 2195)

Another important step taken this year was authorizing students to retake the 10th grade Washington Assessment of Student Learning (WASL) test up to four times and providing an alternative for students who continually have trouble with taking this kind of test—even though they possess good basic skills and knowledge. It was important to get this process in place now because in 2008, Washington students will need to pass the WASL or an alternative in order to graduate from high school.

### Learning Assistance Program (ESSB 5877)

Refocuses the state’s Learning Assistance Program (LAP) to encourage the use of assessment data in program design and promote more effective programs for struggling students.





## Bill sponsorships:

I am very pleased to share with you bills I prime-sponsored this year that were signed into law by the governor.

### Cougar bill (SSB 6118)

Cougar complaints to the state Department of Fish and Wildlife (WDFW) nearly doubled between 1996 and 1998, from 495 to 927. This growth coincides with the outlawing of hound hunting that came as a result of Initiative 655.

The new law allows Chelan, Okanogan, Pend Oreille, Stevens and Ferry counties, in partnership with the state's Fish and Wildlife Commission, to establish a three-year pilot program to better control, inventory and report their cougar populations.



Sen. Morton discusses his cougar control bill at his desk on the Senate floor.

### Storm water bill (ESSB 6415)

Businesses currently have several standards from various agencies to meet before being issued a storm water permit. This new law makes storm water permitting more consistent with EPA's more scientific standards, giving businesses one standard to meet during the storm water permit application process. In addition, the new law provides a presumption of compliance for permit holders with state water quality standards if certain conditions are met.

### Water conservancy boards (ESSB 6125)

Water conservancy boards will now have the flexibility they need to make timely decisions on water-right changes despite board commissioner absences.

The new law allows county governing bodies to appoint alternate water conservancy board members to fill in for absent commissioners and requires the alternates to go through training and keep themselves informed about issues on which they may ultimately vote.

Decisions made by water conservancy boards must be approved by the Department of Ecology (DOE), which processed 75 water-right change requests from Oct. 1 through Dec. 31, 2003. As of Jan. 1, 2004, there were 1,382 pending water-right change applications.

### Heating oil tank liability (SSB 6286)

In recent years, the amount of claim payments filed under the state's heating oil tank insurance program significantly exceeds the amount contributed to its trust account. The existing fee is six-tenths of 1 cent per gallon of heating oil purchased within Washington. At

this point, the difference is paid out of the state's pollution liability insurance trust account, funded by a fee on the sale of petroleum.

This new law ensures there is enough funding in the heating oil trust account to cover the cost of clean-up claims. Without the increase of the fee, heating oil claims would continue to drain the pollution liability insurance trust account, set aside for other types of cleanups.

### Environmental appeals (SSB 5590)

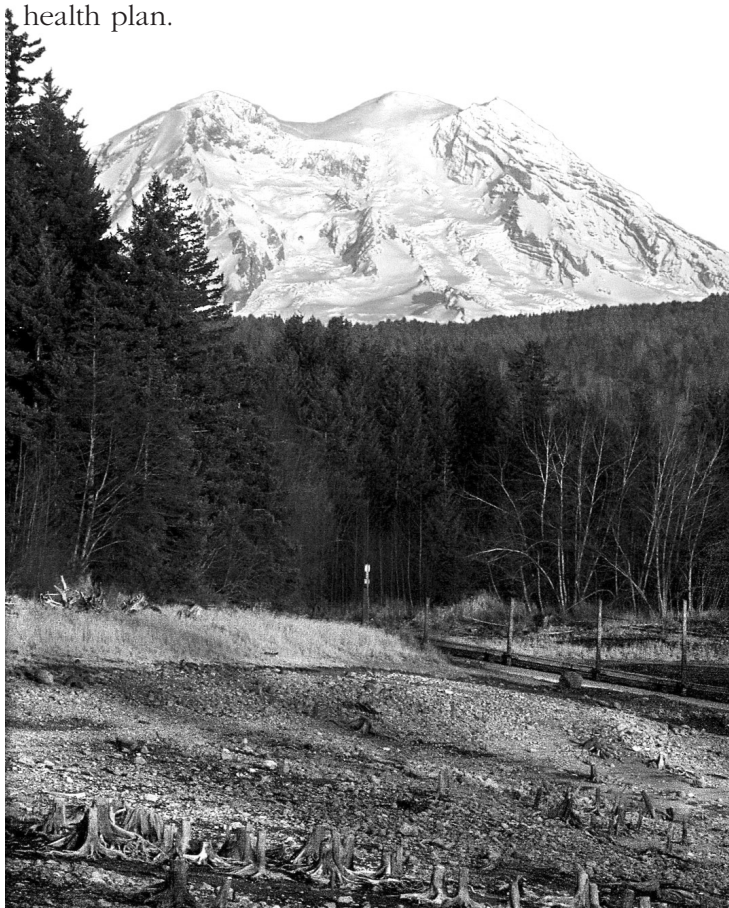
The Pollution Control Hearings Board (PCHB) hears appeals from decisions made by local and regional air pollution control authorities and DOE. There are various statutes and rules outlining when an appeal can be filed, some identifying the date of mailing, and others the date of receipt, as the time the clock starts ticking for PCHB appeals.

This new law makes those time periods consistent. Agency actions may be appealed to the PCHB, and PCHB decisions may be appealed to superior court within 30 days of receipt of notice, which means either five business days after the mailing date or the actual date of receipt if it can be proven.

### Forest health (2SSB 6144)

Forest health is impacted by pests and diseases, leading to large areas of dead and dying trees and resulting in areas of high fuel buildup at great risk for forest fires. Individual efforts to combat these risks are inadequate because pests, diseases and wildfires spread. It is important to bring together forest landowners, including government agencies and private landowners, for a collaborative effort to fight the threats faced by our forests.

The new law designates the public lands commissioner as the state's lead for working with the federal government and private timber owners on collaborative forest health issues. The bill also creates a stakeholder workgroup to study forest issues and help the commissioner develop a statewide forest health plan.





# Trapping (SB 6285)

In November 2000, voters approved Initiative 713, which outlawed the use of body-gripping traps to capture any mammal. The initiative also made it illegal to use a leghold or neck snare trap to capture an animal for recreation or commerce in fur. Common rat and mouse traps were specifically excluded, but not traps for moles and gophers.

After the initiative passed, sponsors said they did not intend to make it illegal to trap moles and gophers—the first problem that arose. It soon became apparent that ranchers and farmers were frustrated by not being able to use licensed trappers to stop problem animals from killing their livestock and destroying their crops. A bill was introduced last session to fix this problem, but Gov. Locke vetoed it and told the Department of Fish and Wildlife (DFW) not to enforce mole and gopher trapping. DFW officials said they could not ignore the law.

This session, an effort was made to find a compromise and SB 6285 was overwhelmingly approved by the Senate, but killed in the Democrat-controlled House.

- Certain traps may be used for wildlife management with a permit.
- A landowner must obtain a permit to use a body-gripping trap to deal with threatening animals.
- Only a licensed wildlife control operator (commercial trapper) may trap on another person's property for a fee. The cost of a wildlife control operator license is \$250.
- The pelts of an animal may not be sold unless the animal was taken under a trapping permit. Under current law, pelts may only be sold if the animal was caught in a live trap. It is impossible to tell at point-of-sale how an animal was trapped. Requiring a permit gives DFW the opportunity to monitor the commerce in fur.
- The Fish and Wildlife Commission is directed to adopt rules concerning types of traps, time intervals for checking traps and the use of bait. The rules may not allow the use of traps with teeth or serrated edges, or any spring pole-type device.

# Washington beef

The December 2003 case of Mad Cow disease in Washington was dealt with swiftly, but it drew attention to the fact that steps needed to be taken to protect Washington's beef supply. One of the issues dealt with this session was preventing meat and byproducts from a downer cow from entering the food chain.

- SHB 2802 makes it illegal to transport and trade downed cows;
- SSB 6636 creates a work group to determine the safest way to dispose of downer cow carcasses to protect other animals and humans; and
- SSB 6107 clarifies and broadens the quarantine and inspection powers of the state Department of Agriculture to prevent the spread of disease.



PRSR STD  
US Postage  
PAID  
Olympia, WA  
Permit #133

**SEN. BOB MORTON**  
115-D Irving R. Newhouse Building  
P.O. Box 40407  
Olympia, WA 98504-0407